

# Exhibit M

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**From:** ROD UNDERHILL <mp3rod@aol.com>  
**Sent:** Friday, December 04, 2015 4:47 PM  
**To:** natasha.reed@hugheshubbard.com  
**Cc:** lena.saltos@hugheshubbard.com  
**Subject:** Re: Trump v. Trump Your Competition

Hi, Natasha. My telephone number is 619-540-0631. Please feel free to call at anytime.

Please feel free to call after business hours and on the weekend if that suits your needs, I have no problem with that.

Please remember I am on the West Coast, though, some attorneys in NYC like to call me at 6 am!

I would respectfully suggest that if you are going to file a Motion to Quash that you should do it swiftly. I reserve the right to object to it being untimely should that be the case based on the service date. We are now 31 days out from the scheduled and commanded date of Mr. Trump's testimonial appearance.

I acknowledge your client's repudiation of the subpoena and thank you for clearing that up for me. I am disappointed that Mr. Trump will not honor the subpoena and that he intends to contest it.

We can discuss a potential suspension of the proceedings when you are ready to file your Motion to Quash.

Thank you

Rod

ROD UNDERHILL  
mp3rod@aol.com

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-----Original Message-----

From: Reed, Natasha <natasha.reed@hugheshubbard.com>  
To: 'ROD UNDERHILL' <mp3rod@aol.com>  
Cc: Saltos, Lena <lena.saltos@hugheshubbard.com>  
Sent: Fri, Dec 4, 2015 1:35 pm  
Subject: RE: Trump v. Trump Your Competition

While I don't yet have authorization from the client to do this, we might be able to stipulate to a suspension of the TTAB proceeding, pending disposition of the motion to quash. I will of course need our client's consent to do this.

We are not yet sure of the timing for filing our motion in SDNY.

In the meantime, can you please provide us with your telephone number. It occurred to us that we do not have that information. Thank you.

Best,

-Natasha

**Natasha Reed** | Counsel

**Hughes Hubbard & Reed LLP**

One Battery Park Plaza | New York, NY 10004-1482

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[natasha.reed@hugheshubbard.com](mailto:natasha.reed@hugheshubbard.com) | [bio](#)

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**From:** ROD UNDERHILL [<mailto:mp3rod@aol.com>]

**Sent:** Friday, December 04, 2015 4:27 PM

**To:** Reed, Natasha

**Cc:** Saltos, Lena

**Subject:** Re: Trump v. Trump Your Competition

Hi, Natasha. I will be glad to discuss the motions with you after I have completed my preparation of the same. I will inform you of that when I have completed my work on them. Should you wish to discuss them prior to my filing I will be glad to provide you with that opportunity. When I have them ready to file, I will be glad to set up a day and time to discuss them with you prior to filing.

Your Motion to Quash is likely to cause an alteration in our trial schedule. What is your opinion regarding that?

When will the Motion to Quash be filed?

Thank you.

Rod

ROD UNDERHILL  
[mp3rod@aol.com](mailto:mp3rod@aol.com)

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-----Original Message-----

From: Reed, Natasha <[natasha.reed@hugheshubbard.com](mailto:natasha.reed@hugheshubbard.com)>

To: 'ROD UNDERHILL' <[mp3rod@aol.com](mailto:mp3rod@aol.com)>

Cc: Saltos, Lena <[lana.saltos@hugheshubbard.com](mailto:lana.saltos@hugheshubbard.com)>

Sent: Fri, Dec 4, 2015 1:19 pm  
Subject: RE: Trump v. Trump Your Competition

Dear Rod,

Thank you for your email, which I have just reviewed now. As we have already stated, we will be moving to quash the subpoena. Nonetheless, I am happy to discuss the motions you have mentioned in your email. We are available now to discuss if that works for you. Let us know and please provide us with a telephone number to reach you.

Natasha

**Natasha Reed** | Counsel

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**From:** ROD UNDERHILL [<mailto:mp3rod@aol.com>]  
**Sent:** Wednesday, December 02, 2015 7:02 PM  
**To:** Reed, Natasha  
**Subject:** Re: Trump v. Trump Your Competition

Hello, Natasha. I hope you will forgive this informal email being sent rather than a formal letter, but I remain out of the office on other legal matters presently. I hope to return to my office in Julian tomorrow.

First, let me again thank you for your hospitality in Manhattan during our recent testimony deposition. I found Mr. Garten to be extremely charming and pleasant when introduced to me and your offices were very impressive. Both you and your colleague, Lena, were each very gracious.

I believe the time has come for me to suggest that Mr. Trump dismiss this particular case before the TTAB with prejudice. I will list my perceived reasons for this suggestion as follows:

1. The Donald J. Trump as Adverse Witness Issue. I do not believe that Mr. Trump has good grounds upon which to base a successful Motion to Quash. My client has already retained counsel to defend this motion should Mr. Trump follow through with filing the same. Should Mr. Trump be called to the stand, it is my humble opinion that he will produce testimony that will be exceedingly damaging to your case.
2. Upcoming Motions. I am just now finishing my drafting of two motions I intend to file before the Board. One, if granted, will clearly be dispositive in nature. The second, if granted, would greatly change the structure of your case.
3. Regarding your sole witness up to this point: Mr. Garten. Again, I found him to be a very fascinating individual and it was wonderful to meet him. However, in 35 years of being a trial attorney, I found him to be the single most evasive witness I have ever cross examined. I am certain that the deposition record bears that out. With all due candor, Mr. Garten seemed so fearful of any question I posed, regardless of what the question was, that the record no doubt shows him being non-responsive and evasive throughout his entire testimony.

4. Since Mr. Trump saw fit to conduct no discovery in an attempt to ferret out discoverable information, you will be unfortunately blindsided by the Applicant's testimony. And I assure you, with all respect, the testimony that I will offer up via my witnesses will be devastating to Mr. Trump's case.

Naturally, if you so wish and if Mr. Trump so wishes, we can continue this litigation until the very end. That's up to you and Mr. Trump.

However I will be filing motions as early as Monday so I would suggest that you discuss this with your client and your colleagues and come to a decision swiftly.

Should you fail to confirm to me by Friday close of the day that Mr. Trump will honor the subpoena, I will conclude that he will not be present at the appointed time, place and day. Again, as I have previously stated, if Mr. Trump will submit to the subpoena without filing a Motion to Quash, we will do our best to provide a date of his selection within my trial calendar period as set by the Board, and a location within the continental United States that he might prefer.

But I ask for his stated agreement to submit to the subpoena to be sent to me through you no later than Friday, close of the day. This is necessary because if I am to schedule a testimony deposition outside of our currently designated location in Manhattan, such as in another state, I need time to retain an appropriate location for that and to also retain a court reporter. This is particularly true given that the Holidays are now upon us. So, please let me know by Friday if Mr. Trump will honor the subpoena and if he wants a different allowable date and a different location in the United States. I will do my very best to accommodate any such requests.

And, naturally, I welcome hearing that Mr. Trump has decided to dismiss this matter with prejudice.

I will close by stating once again that I appreciate the professionalism that you and Lena showed me during my visit to the very historical and fascinating Battery area.

Regards,

Rod

ROD UNDERHILL  
[mp3rod@aol.com](mailto:mp3rod@aol.com)

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-----Original Message-----

From: Reed, Natasha <[natasha.reed@hugheshubbard.com](mailto:natasha.reed@hugheshubbard.com)>

To: Rod Underhill <[MP3Rod@aol.com](mailto:MP3Rod@aol.com)>

Cc: Saltos, Lena <[lena.saltos@hugheshubbard.com](mailto:lena.saltos@hugheshubbard.com)>; Canzoneri, Theresa  
<[Theresa.Canzoneri@hugheshubbard.com](mailto:Theresa.Canzoneri@hugheshubbard.com)>

Sent: Wed, Nov 25, 2015 12:37 pm

Subject: Trump v. Trump Your Competition

Rod,

Please see the attached letter.

Best regards,

Natasha

**Natasha Reed** | Counsel

**Hughes Hubbard & Reed LLP**

One Battery Park Plaza | New York, NY 10004-1482

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